

Proposed Medicaid Special Enrollment Period Regulations

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Background

Today we are seeking authorization from the the MHBE board of trustees to submit a regulatory change allowing a Special Enrollment period for loss of Medicaid coverage to be extended from 90 to 120 days.

Why are we making this request?

- During the Public Health Emergency unwinding, Medicaid expanded its eligibility *reconsideration period* from 90 days to 120 days. Medicaid has chosen to make this a permanent change.
- Federal rules align the loss-of-Medicaid SEP with the *reconsideration period*. As this is now a permanent change, MHBE is seeking to update our regulations to align with the 120 day reconsideration period.

14.35.07.12E(2)(a) Proposal

E. To be eligible for a special enrollment period under this regulation, a qualified individual, an enrollee, a qualified individual's dependent or an enrollee's dependent shall:

(1) Report the loss of minimum essential coverage or the termination of coverage under §A(1)—(4) of this regulation;

(2) Select a QHP:

(a) Up to 60 days before or within **[90] 120 days** after the loss of minimum essential coverage through the Maryland State Medicaid Program or the Maryland Children's Health Insurance Program (CHIP), including the Maryland Children's Health Program (MCHP) Premium, on August 1, 2024, and beyond; or

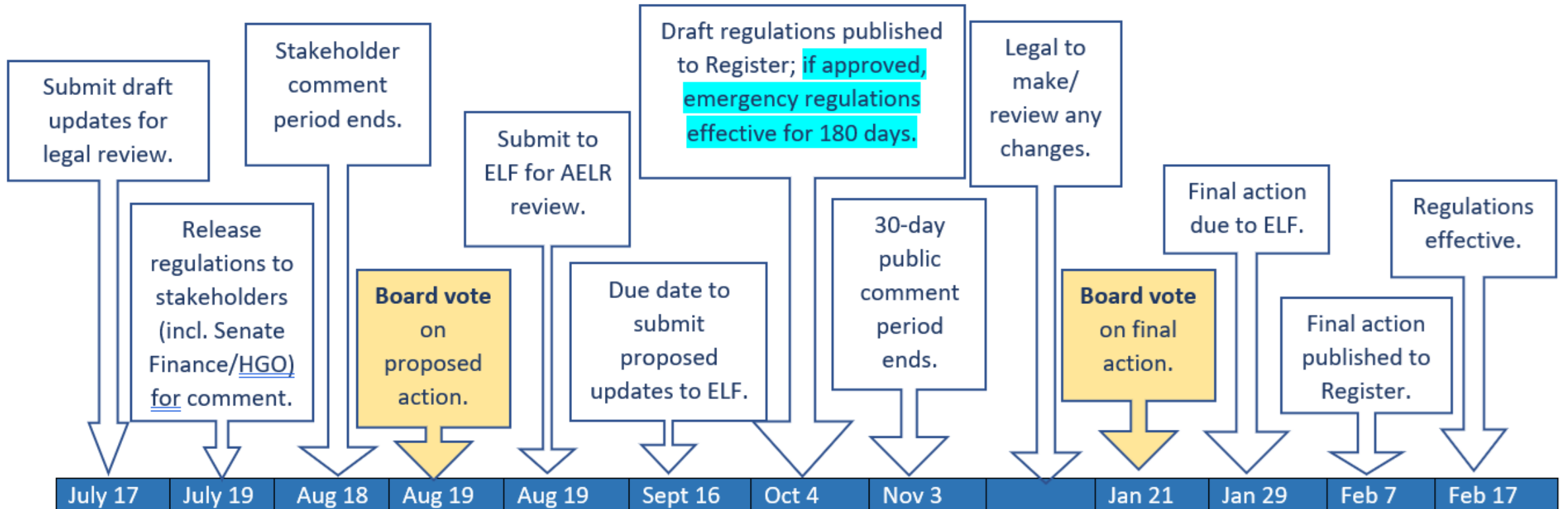
(b) Up to 60 days before or within 60 days after the loss of any other form of minimum essential coverage or the termination of coverage; and

(3) (text unchanged)

Stakeholder Feedback Summary

Commenter	Comment	MHBE Response
Maryland Health Care for All	Supports the 120-day SEP	–
Kaiser Permanente	Believes the longer SEP could lead to gaps in coverage; encourages outreach to enroll individuals losing Medicaid and retroactively terminating and reimbursing those that return to Medicaid during the reconsideration period	MHBE agrees that this population should be enrolled into private plans expediently but only intends for a longer loss-of-Medicaid SEP to complement, not replace, a robust outreach strategy.

Timeline



Request for Approval of Proposed Regulations and Authorization to Submit to AELR and DSD

MOTION: I move to [approve/defer/reject] the proposed regulations as presented, and authorize MHBE to submit them as both a proposed action and an emergency action to the Joint Committee on Administrative, Executive, and Legislative Review for review and to the Division of State Documents for publication in the Maryland Register [as presented/as amended].

Appendix



Emergency Action

- MHBE proposes to submit this update for publication in the Maryland Register as both an emergency action and proposed action
- If the Joint Committee on Administrative, Executive, and Legislative Review (AELR) agrees that the action should have emergency status, the regulations will be effective for 180 days, allowing for implementation in October instead of February
 - To be effective longer than 180 days, MHBE must promulgate the regulations through the full regulatory process
 - Publishing an identical proposed action at the same time will enable MHBE to permanently finalize the update before the emergency action expires
- If AELR does not agree that the action should have emergency status, MHBE can continue to promulgate the regulations for an effective date in February 2025